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11
12 **UNITED STATES DISTRICT COURT**

13 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**
14

15 KATHLEEN HANNI, individually and on
behalf of all others similarly situated,

16 Plaintiff,

17 vs.

18 AMERICAN AIRLINES, INC., and DOES 1
19 through 20, inclusive,

20 Defendants.
21

CASE NO. C08-00732 CW

**AMENDED NOTICE OF MOTION AND
MOTION TO DISMISS PLAINTIFF'S
COMPLAINT BY DEFENDANT
AMERICAN AIRLINES, INC.**

Fed. R. Civ. Pro. 9(b) & 12(b)(6)

Date: April 24, 2008

Time: 2:00 p.m.

Courtroom: 2, 4th Floor

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23 PLEASE TAKE NOTICE that pursuant to Local Rule 7-7(a) defendant American Airlines,
24 Inc. ("American"), hereby continues the hearing on its Motion to Dismiss previously set for March
25 27, 2008 to April 24, 2008 at 2:00 p.m. in the courtroom of the Honorable Claudia Wilken at the
26 United States Courthouse located at 1301 Clay Street, Oakland, California. American will and
27 hereby does move pursuant to Federal Rules of Civil Procedure 12(b)(6) to dismiss plaintiff's
28 Class Action Complaint for False Imprisonment, Intentional Infliction of Emotional Distress,

1 Negligence, Breach of Contract, and Intentional Misrepresentation and prayer for relief (the
2 "Complaint") for failure to state a claim upon which relief can be granted.

3 American makes this motion on the grounds that:

4 (1) Field preemption by the Federal Aviation Act of 1958 ("FAA") and its implementing
5 Federal Aviation Regulations ("FARs"), which preempt the field of passenger health and safety
6 onboard commercial aircraft;

7 (2) Express preemption under the Airline Deregulation Act ("ADA"), which prohibits
8 states from "enact[ing] or enforc[ing] a law, regulation, or other provision having the force and
9 effect of law related to a price, route, or service of an air carrier," 49 U.S.C. § 41713(b)(1);

10 (3) The Complaint fails to state a claim upon which relief can be granted pursuant to
11 Texas state law; and

12 (4) Plaintiff's alleged fraud claim fails to meet the particularity requirements of Fed. R.
13 Civ. P. 9(b).

14 This motion is based on this Notice of Motion and Motion, the Memorandum of Points and
15 Authorities, and (Proposed) Order filed herewith, and upon other such matters as may be presented
16 to this Court.

17 DATED: March 3, 2008

COOPER, WHITE & COOPER LLP

18 By: 

Jie-Ming Chou

Attorneys for Defendant American Airlines, Inc.